For New York and Its Vicinity: Cloudy; easterly winds; slightly warmer.

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### FIVE LOST OFF ROCKAWAY.

THE OYSTER STEAMER JAMES W. BOTLE WHELMED BY COMBERS.

She Stood the Buffeting of Gale and Sea While She Was Breasting Them, but When She Changed Her Course and Got Them Abeam They Crushed Out Her Lite Capt, Deakin, the Crew of the Tug Mutual, and a Flottlia of Laborers See the Wreck Skipper McDonald, Oynter Plant. er Wood, and the Crew of Three Lost.

The little oyster dredging propeller James W. Boyle, on her way from Bridgeport to Jamaica Bay, was overwhelmed yesterday morning off Rockaway Beach in the tall combers lashed up by a strong northeaster, and her skipper, her erew of three men, and her charterer were lost. This is a list of the dead :

Carroll, Jons; deckhand and cook, 40 years old,

FIGN, JOHN; engineer, 38 years old, Rondout, N. Y. NEWSKERRY, JOHN; deckhand, 40 years old, Tottenville, Staten Island. McDosano, Peren J.; Captain, 28 years old, Prince's

WOOD, WALTER B.; oyster planter and charterer of the lost boat, 33 years old, Inwood, Long Island.

The James W. Boyle left Bridgeport at 7 o'clock on Tuesday evening with a heavy cargo of seed oysters. Mr. Wood superintended the loading. The Boyle probably passed through Buttermilk Channel, out of the East River and into the bay before dawn yesterday. She was a homely boat, built to cope chiefly with the weather of landlocked waters. She was just a trifle more than 68 feet long, was groad for her length, and drew only 516 feet. She was housed over completely from stem to stern, with gangways forward on either side. like the doors of a barn. Even when deeply laden the dredger presented to wind and sea s good deal more surface than would be altogether

safe in a stiff wind on the Sound Her skipper, Capt. Peter J. McDonald, whose father had a half interest in the boat, wrote from Bridgeport just after his arrival there on Monday that she had made heavy weather of it on the trip up the Sound. It was said that she was top-heavy, but as she had cruised without mishan on river, sound, and sea for ten years nobody aboard her believed that she wasn't as

mishap on river, sound, and sea for ten years, nobody aboard her believed that she wasn't as stanch as any oyster steamer herasbouts. The fate of the Boyle might never have been definitely known if Capt. Robert H. Deakin of Edward M. Timmina's ocean tug Mutual had not chanced to see her go down. The Mutual started out to the dumping grounds southeast of the point of Rockaway Beach before daylight yesterday, towing four scows laden with olty refuse. There were about 100 shovelers, mostly lialians, on the scows, which were free of their loads at 70 clock, when the Mutual headed in for the beach, or to the northwest, with the scows, foating high, plunging astern in tandem, linked by long lengths of seven-inch hawser. Capt. Deakin had observed the oyster steamer coming out. The wind had acquired much more force than it had when the Mutual steamed down the Lay in the darkness. Capt. Deakin says he thinks it was blowing about thirty knots, which wise men of the sea say is between a strong wind and a moderate gale. The Mutual was nearly three miles off shore, but Capt. Deakin saw plainly through the murky air the long stretch of glowing surf, the white spurtings marking the many sheals near the mouth of Rockaway Inlet, and the nearer and more picturesque breakers smashing on the outer lar.

Capt. Deakin and his men became greatly interested in the progress of the little dredger. The shovellers on the barges crowded astern, gased back at the Boyle and wondered at the smerity of her skipper. She was heading almost into the tumult of wind and wave, and every see in a while Capt. Deakin saw the white crest of a sea break on board of her forward.

Although the Boyle draws less than six feet and the tide was only half eight, has pillet did not dare to venure out of the circuitous channel that leads through Bockaway Polet, and shape his curse thence to the inlet. This would bring him at right angles with his former course, and his essand the wind would strike him on the starboard beam.

Capt. Deakin had one pictures and on t

starboard beam.

Capt. Deakin kept his gaze riveted on the little craft, feeling morally certain that she would get into trouble the mement she ceased backing the seas and got into the trough. The Boyle swing slowly around the bell buoy and headed to the northwest. Just as she did so, Cant. Deakin says, an "extraordinary sea," white-created and as tall as the pilot house of the doomed craterman, broke over her starboard bow. She might have survived the shook if the forward

set and as tall as the pilot house of the doomed systerman, broke over her starboard bow. She might have survived the shook if the forward starboard gangway had been closed. The great wave surged through the opening and tore off the entire deck house. The Mutual was nearly a mile from the Boyle, and, being burdened with her four tows, which Capt. Epcakin would have been foolish to have abandoned on a lee shore in the riotons waves, she could not immediately go to the oysterman's help. Capt. Deakin has a pretty big heart for seamen in distress, and, soows and all, he came about, and, under all the steam that his engineer could crowd on, he headed for the Boyle. Before he did so another created wave had completed the ruin wrought by the first. The Boyle vanquished like a flash in seven fathorms, leaving adrift only her deck and pilot houses.

It was impossible at the distance for Capt. Deakin to see whether or not there was anybody struggling it the neighborhood of the wreck. With the sid of his glasses he could discern no life. He kept on his course toward the wreck. But, because of the burden astern, it took him three-quarters of an hour to get near enough to read on the tossing pilot house the name James W. Boyle. He steamed around for nearly an hour, thinking that pertaps he might at least recover a body, but he saw none. He says he thinks it was impossible for the men to have survived more that a minute or so after the Boyle was overwhelmed. He says that the wave that guahed into the lorward gangway lifted the deck house into the air and entirely free of the boat, which then became an easy prey to the next comber. After he had a satisfied himself that he had done all that was required of a conscientious pilot, he started back to New York. His hawsers had been tublected to a heavy strain in the arduous and hazardous work of reaching the wreck in the lace of the combers. strain in the arduous and hazardous work of reaching the wreck in the tace of the combers.

Just after the Mutual turned, the hawser between the first and second scow snapped, and seventy-five frightened shoveliers doubtless began to wonder if they were going to meet the fate of the little vessel they had just seen disappear. The men of the Mutual are experts in recapturing a lost tow, and it did not take them more than five minutes to get the three scows in line again.

recapturing a lost tow, and it did not take them more than five minutes to get the three scows in line again.

After arriving at the city Caot. Deakin reported the loss of the oysterman to Mr. Timmins of the Mutual Towing Company, who telephoned the facts to her half owner, James W. Boyle, who has oyster floats at the foot of Perry street, North River. Mr. Boyle has an interest in the oyster beds that are owned by Mr. Wood's wife to find out whether or not he had reached home. Mrs. Wood said that he had not. There is very little doubt that Mr. Wood came down from Bridgeport on tae Boyle. Besides being the constable at Inwood, and how one of the largest oyster planters in the neighborhood. He had \$10.000 invested in the business. He had not been heard from at has home at 11 o'clock last night, and lope for his safety had been abandoned. It will be just short of miraculous if anybody on the Boyle succeeded in reaching shore.

No others than those on the tugboa Mutual and the scows saw the Boyle go down. The lookous at the two life saving stations within view of these stations is at Coney Island and the scows saw the Boyle go down. The lookous at the two life saving stations within view of these stations is at Coney Island and the conter on Rocksway Point. Mr. Woel was familiar with all the currents and shals of Jamaius Bay, and frequently had piloted essels late it from the ocean. It is said the was familiar with all the currents and shals of Jaking the circuitous channel, if there were no sea on. She could not do this yesterday at half the as her Cantain and pulst doubtless feased that she would have pounded her bottom outin attempting to cross the shoal. It is said that the would have pounded her bottom outin attempting to cross the shoal. It is said that the would have pounded her bottom outin attempting to cross the shoal. It is said that the would have pounded her bottom outin attempting to cross the shoal. It is said that the would have pounded her bottom outin attempting to cross the shoal. It is said that

and four children from 3 to 11 yearsof.

and McDonald was married, but had no chiren. He lived at Prince's Bay with his father,
to called at the ship news office last evening
find out whether or not the report of the loss
the Boyle was true. When he felt assured
at it was he relieved his feelings by a skipthe sound oath and went out in a hurry.

John Newberry, the deckhand, was a bachdor,
of John Carroll, a widower with one child,
the Hoyle was valued at \$12,000 and was inted. She was built at Athens. N. Y., in 1885,
was recently overhauled and received a
wholler. She measured forty tons.

The life saving patrols at Rocksway and
hey island were ordered by their Captains
to evening to keep a close watch on the beach tovening to keep a close watch on the bodies from the wreck.

# NEW PARK BOARD SWORN IN.

Col, Cruger Made President; Samuel Me-Millan, Vice-President,

Mayor Strong was well enough to go to his office yesterday morning, and the new members of the Board of Park Commissioners were sworn into office by him. There was a heap of mystery about that swearing in, too. As soon as the new Commissioners had arrived at the Mayor's office everybody but them, the Mayor and his secretary, were carefully excluded. About twenty minutes later four men were seen to steal quietly out of the private entrance of the Mayor's office and hasten up to the Arsenal, where they

The old Park Board was to have held a meetng yesterday, but as only President King and Commissioner Juillard were present the meeting, which was for the purpose of opening bids, was adjourned until to-day. About 11 o'clock

mg, which was for the purpose of opening bids, was adjourned until to-day. About 11 o'clock the new Commissioners arrived and organized, electing Col. Cruzer President, and Samuel McMillan Vice-President. President King formally turned the department over to the new Commissioners, and an adjournment was taken until to-day at 9:30.

The Mayor appointed Col. Cruzer to succeed President King, whose term expires on May 1, 1898. He will then be reappointed for the full term. Mr. McMillan succeeds Mr. Hann, whose term will expire on May 1, and Mr. Ely succeeds Mr. Roseveit, whose term expires at the same time. Mr. Stiles succeeds Mr. Julilard. His terms runs until May 1, 1900.

Col. Cruzer was asked yesterday what the policy of the new lloard would be relative to the retention or removal of present employees in the department and the appointment of others.

"I am not prepared to say just yet exactly what I will do," said he. "I will have to look over the ground and see what is needed for the best interests of the department."

"It has been stated that the new Roard is expected to remove most, if not all, of the Tammany Hall subordinates in the department. Is that tree, Colonel?"

"It is safe to bet that no Tammany men will be appointed. I am yodny to admission the affects."

that true, Colonel?"
It is safe to bet that no Tammany men will be appointed. I am going to administer the affairs of the Park Department as I would my own business. To do that I shall insist that all own business, and only loval to me, but to the

fairs of the Fark to do that I shall insist that all subordinates are not only loyal to me, but to the administration. Mayor Strong came into office pledged to a certain policy of administration, and I think he should be upheld in that policy by all the men holding executive places under him.

hlm.
"The first requisite of an appointee to place in the Department of Public Parks will be that he shall be efficient and faithful. I believe, too, that all should be faithful and loyal to the administration of Mayor Strong."

This statement of Col. Cruger's will not be comforting information to Lauterbach Republicans who want places in the Park Department. It means to them that they must own allegiance to Col. Strong and forsake the cause of Lauterbach if they are to get the jobs they are looking for.

# MRS. FLEMING'S CONDITION.

She Wants to Be Transferred to Bellevus

Hospital's Prison Ward. Lawyer John C. Shaw of counsel for Mary Alice Almont Fleming, who is charged with poisoning her mother, Mrs. Eveilna Bliss, on Aug. 30, will make a motion before Justice Ingraham in Oyer and Terminer this morning to have the woman transferred from the Tombs to the prison ward of Bellevue Hospital. Mrs. Fleming, it is said, is about to become a nother. She has three children now

Lawyer Shaw appeared before Justice Ingranam yesterday and told him that the woman's health would suffer if she remained in the Tombs. The Justice said he would examine the statutes and see if he could issue an order for her removal. Meanwhile he advised Lawyer Shaw to make an affidavit and prepare a motion. Justice Ingraham said he was willing to do his utmost within the law for the comfort and health of the woman.

Shaw to make an allidavit and prepare a motion. Justice ingraham said he was willing to do his utmost within the law for the comfort and health of the woman.

Mrs. Fleming's three children are Walter Livingston, 14 years; Grace, 8 years, and a 15-months'-old infant. In the famous suit for breach of promise and seduction for \$75,000 damages which Mrs. Fleming brought against Henry Fleming, President of the Petroleum Exchange, on Sept. 9, 1882, she named him as the futher of her first child. The case was tried before Justice Pratt in the Supreme Court of Brooklyn, and the jury returned a verdict for the full amount of the damages asked for. Lawyer Howe says this suit was afterward settled by the payment of \$12,000 cash to Mrs. Fleming's attorneys, of which she got \$1,500. Several years afterward she brought a criminal proceeding in connection with the birth of the second child against a lawyer whose client she had been. It was dismissed. Lawyer Brooke said there was no uncertainty about the father of her 15-months-old baby, but that it was not necessary to tell who he was at present. Nothing is known about the paternity of the present child.

Mrs. Fleming is heir to \$62,000, left to her by her father, Robert Swift Livingston, which is now in the handsof the City Chamberlain. She wants to be removed to Bellevue to-day.

#### FIRE AT VAN CORTLANDT PARK. Kept Secret, Burned.

At a fire at Van Cortlandt Park early yesterday a carshed and a number of freight cars were destroyed, together with a new electric car and motor which were being constructed in the shed.

The burned property belonged to the New York and Putnam County Railroad, and stood a short distance north of the Van Cortlandt Park station, at the junction of the main line and the Yonkers branch, a stone's throw from the old Van Cortlandt mansion. The lower end of the long shed was occupied as a shop, and there electricians and car builders have been experi-

electricians and car builders have been experimenting for several months with the new electric motor cars, with a view to finally adopting them for passenger traffic on the road. The middle of the shed contained eight cars loaded with lumber and coal.

The electric car which was destroyed had been under course of construction for several months, and was very near completion. It was taken out on a trial trip on Tuesday and was run up and down the tracks successfully for several hours. The car was to have been exhibited in a few weeks, and invitations had been sent out to railroad officials all over the country to witness the formal trial. The car was the invention of the company, and was guarded zealously. The watchmen about the shed were so strict that the police dubbed the car "the Dark Secret." The car was valued at \$6,000, and the secret of its construction at many thousand more. The damage to the shed and freight is estimated at \$4,000, As far as can be learned there was little insurance.

An Expert Beclares They Are Antique, but Not of the Spitzka Collection.

Elbridge T. Gerry has won and he has also lost. The final decision as to his recent importation of andirons was made at the Custom House yseterday. Mr. Gerry imported two sets of and irons or firedogs, and insisted that as they were antiques they were free of duty. His invoices showed that he had paid £25 for one set and £20 for the other. He bought them of a London dealer, who told Mr. Gerry that they were from the Spitzka collection. An assistant appraiser insisted that they were not antiques,

appraiser insisted that they were not antiques, but were "buit" as antiques within the last ten years. Mr. Gerry produced his invoices, wherein it was claimed that they were genuine antiques from the Spitzka collection.

It was decided yesterday that the audirons were antiques, but that they did not come from the famous Spitzka collection. The catalogus of the Spitzka collection was produced. There was only one set of antique firedogs or andirons offered, and this set was soid for 51,000 francs of £2,000. Still, Dr. Alexander Imbort, an expert in antiques, believes that Mr. Gerry has secured two sets of ancient firedogs at a very cheap figure. Mr. Gerry will now have to fall back on that London dealer for an explanation.

## STATE CIVIL SERVICE.

The Governor Requested to Classify All Offices in Kings and New York Countles. SYRACUSE, Nov. 13 .- At a meeting of the State Civil Service Commission, held here to-day, Charles Fowler of Ithaca was appointed chief examiner, his appointment to date from Jan. 1, 189d, and be for the probationary term of six months. The Commission submitted for the approval of the Governor a reclassification of a number of places in the State service from the non-competitive to the competitive schedule. Resolutions were unanimously adopted requesting the Governor to classify under the provisions of the Civil Service law all positions in the counties of New York and is ings, and that such itsessification be extended where practicable to the counties in the state where the offices emitter any considerable number of permanent shordinates. months. The Commission submitted for the

A Condensed History of Tobacco.

## EDW. WEMPLE ARRESTED.

THE FORMER STATE COMPTROLLER HELD ON A CHARGE OF ARSON.

He Is Accused of Having Set Fire to the Residence of a Neighbor and Is Suspected of Having Caused Other Incendiary Fires.-He Brook, and His Petends Assethe His Conduct to a Disordered Mind.

AMSTERDAM, Nov. 13,-Former State Comptroller Edward Wemple was arrested at about moon to-day while seated in his handsome residence in Fultonville, on the charge of arson in the second degree. He is accused of having set fire to the new residence of Herbert H. Fonds. in Fultonville, on Sunday evening last. The flames were discovered by L. V. Peek, the cashler of the Fultonville National Bank, and were extinguished before much damage had resulted. Mr. Wemple is also suspected of having caused other incendiary fires in Fultonville. His arrest is based entirely upon circumstantial evidence, the principal fact being that the wood with which the fire in the Fonda house was started has been found to fit exactly with pieces of wood which a detective discovered in the cellar of Mr. Wemple's residence. A bottle of kerosene oll was also found near the Fondo bouse wrapped



in part of a copy of a New York newspaper of the date of Nov. 3. Another part of the paper of the same date was found in Mr. Wemple's cellar. The other papers, two in number, of that date which were sold in Fultohville are both accounted for. Several witnesses swore to seeing Mr. Wemple on the street on the night of the fire as late as 0:45 o'clock, while he says that he went home at 8:30 o'clock and stayed there the remainder of the night.

Mr. Wemple's arrest has been anticipated for the past two weeks. About six weeks ago the Wemple foundry at Fultonville, in which Mr. Wemple has been interested since boyhood was sold at assignee's sale. About the time a transfer of the property was to be made the foundry was found to be on fire, and before the local firemen could do any effective work the building was consumed. The fact that Mr. Wemple had said that if William B. Wemple's Sons could not retain possession of the property no one else would, led to suspicion being centred on him. There were a number of circumstances that tended to strengthen the belief that Wemple caused the fire, it having caught in a portion of the building where no fire had been used and he having been seen in the building ahortly before the flame burst out. An investigating committee was appointed, which employed detectives and secured considerable evidence against Mr. Wemple. District Attorney Leonard F. Smith of Fultonville and Counsellor Andrew J. Neilis of Johnstown were employed as prosecuting attorneys. After the fire of last Sunday evening the investigation was pushed more rankling attorneys. After the fire of last Sunday evening the investigation was pushed more rankling attorneys. After the fire of last Sunday evening the investigation was outlined to the complex of the sunday of the investigation of Mr. Wemple followed. Judge Z. S. Westbrook, who was deputy under Mr. Wemple while the latter was Comptroller, to-day appeared as counsel for Mr. Wemple, He was arraigned and held in \$5,000 bond for his appearance before the Montgomery county Grand Jury. His bondsmen are Judge Westbrook and Mr. Wemples a son-in-law, W. H. Parker, who is a member of the American Broom and Brush Company.

The arrest of Mr. Wemple has created scent ple caused the fire, it having caught in a portion

pany.

The arrest of Mr. Wemple has created great excitement throughout the Mohawk Valley on account of his prominence in social and political circles. He was born in Frittonville, Oct. 23, 1843. He held public office from 1874 to 1892, almost continuously, and was one political circles. He was born in Fultonville, Oct. 23, 1843. He held public office from 1874 to 1892, almost continuously, and was one of the best-known Democrats in the Mohawk Valley. In 1866, when he graduated from Union College, he went into partnership with his father in the iron business. His father had a large foundry. In 1873 he was elected President of the village of Fultonville, and he was made Chairman of the Democratic Committee of Montgomery county. The next year he was elected Supervisor, and he continued in that office until 1876, when he was elected Assemblyman. He was reflected in 1877. He made a good record in the Assembly. He held minor offices until 1882, when he was elected to Congress, defeating Uncle George West by 89 votes. In 1884 he ran again, but that time was besten, and the next year he was nominated for State Senator and won. He served one term in the Senato, and then the Democratic State Convention nominated him for State Comptroller. He was elected by a bigger majority than any other man on the ticket. He was renominated and refected in 1889. He has been prominated and refected in 1889. He has been prominently mentioned for the nomination for Governor and he received a handsome complimentary vote in the Saratoga Convention in 1887. He was one of the officers accused of contempt of court in 1891 for refusing to obey the mandate of the Supreme Court in regard to counting the returns from Dutchess county. He was a hard drinker, and since he left the office of State Comptroller he took the Keeley cure, but it did not cure him. Charitably inclined acquaintances ascribe his conduct to a disordered brain, and yet nothing can be discovered in his conversation or his home life to justify this claim. His wife and two daughters keenly feel the disgrace his conduct has brought upon them.

Judge Westbrook said to-night to The Sun correspondent that Mr. Wemple believes his arrest is on circumstantial evidence, and that we may be a conduct has brought upon them.

Judge Westbrook said to-night t

## IGLESIAS HIS RIVAL.

Senor Nicto Returning to the Scene of His Imprisonment for Love.

On board the steamer Dubois, which sailed yesterday for Central American ports, was Marcial Louis Nieto, whose destination is San José, Costa Rica. Señor Nieto is a Spaniard by birth, but a citizen of this country. He has large interests in San José.

Last summer Nieto made the acquaintance of

Last summer Nieto made the acquaintance of a pretty San José woman and fell in love. It happened that President Iglesias was also an admirer of the young woman. He warned Nieto not to call on the girl.

One evening Nieto threw a letter addressed to his sweetheart on the veranda of her house. The note fell into the hands of a friend of the President, who ordered the arrest of his rival. Nieto was placed in jail, and later sent to an insans asylum, whence he escaped to this country. He went to Washington and filed a claim against the Costa Rican Government for \$20,000 damages.

damages.
Schor Nieto, before salling yesterday, said he had been informed that President Iglesias would not permit him to return to Costa Rica.
"If that is true," he added, "I will bring suit for \$1,000,000."

# Can't Be Photographed for the Rogues' Gallery.

Recorder Goff in the General Sessions yester day denied a motion made by Assistant District Attorney Osborne for an order to remove James O'Conneil from the Tombs prison to Police Headquarters for the purpose of adding his photograph to the Rogues' Gallery. O'Connell s accused of stealing \$3,000 worth of diamonds, is accused of stealing \$3,000 worth of diamonds, and was committed to the Tombs while the police were looking for evidence against him. In denying the motion the Recorder said:
"Such a thing as you ask is a shameful trespass on the rights of the citizen. Every man is presumed to be innocean until proved guilty, if this man was acquitted of this charge it would be an outrage on him and his family to have his patter in the Reques' Gallery. This practice has been condoned too long and I shall stop it as far as I am concerned."

## GOV. BROWN IN A FRACAS. A Clerk Had Charged Mim with Voting the Republican Ticket.

LOUISVILLE, Nov. 13.-Gov. John Young Brown called William H. Newhall, a clerk in the State Auditor's Office, an infernal liar yesterday afternoon. The clerk called the Gov

ernor another Har, and then the Governor struck at Mr. Newhall. The deputy drew back with his cane at the Governor, but his arm was seized by friends, and Gov. Brown regained his equanimity. The cause of the row was Newhall's charge

that the Governor had voted the Republican ticket in the recent election. Back of this is an alleged disagreement between the Governor and some subordinate officials, which has kept the State House temperature up to the boiling point since the present Administration began. In his first message to the General Assembly Gov. Brown charged that favoritism had been shown to the Mason-Foard Company, lessees of the convict labor, by which these contractors had beaten the State out of about \$40,000. The contract had been made by the Sinking Fund Commissioners, one of whom is the Auditor. Auditor Norman resented the charge, and,

as the Governor reiterated it, it soon came about that neither would speak to the other, and nothing but their respect for the law prevented a collision. At meetings where the two officials were they would discuss public business, and the Auditor would usually be found on one side and the Governor on another, but on quitting the room each became dumb to the other This thing has gone on for nearly four years During the campaign just ended the Republi cans made a great deal of capital out of the Governor's charges against his associates, and Auditor Norman made the mistake of refusing to let the correspondent of a Republican newspaper examine the records in his keeping. The reporter went to Gov. Brown, who took the ground that any citizen had a right to examine the State's books, and saw that the correspondent got the records he desired.

Naturally, when Auditor Norman and his associates on the Democratic ticket were de-feated they laid a share of the blame on the Governor's shoulders. Yesterday George Sandford went to the Auditor and asked him for an introduction to the Governor. Mr. Norman declined, saying he did not speak to the Governor. Mr.|Sandford then appealed to Newhall The latter also refused, and added that the Governor had voted the Republican ticket. Assistant Secretary of State Leigh heard this charge and informed the Governor. The latter was very indignant and, going into the Auditor's office, told Newhall that he had voted the straight Democratic ticket for forty years.

The clerk reiterated that his superior was a traitor to his party, and declared that he would not believe in his Democracy until he could see the Governor's ballot. Gov. Brown then called Newhall an infernal liar, and the fuss culminated. The Governor finally left, after telling the young man that a State official should have more respect for the Chief Magistrate. Newhall has been a deputy in the Auditor's office fifteen years, and is much worked up over the prospect of giving up his job to a Republican.

#### THE FENDER DID NOT SAVE. A Schoolboy Hurrying Home Is Killed by

A Brooklyn trolley car yesterday afternoon killed 7-year-old Moses Moskovitch in front of the Gayety Theatre, at Throop avenue and Middleton street. The boy's parents live at 91 Throop avenue, and he attended a public school in Heyward street. After his class was disnissed at 3 o'clock yesternay afternoon Mose set out for his home with his slate and books under his arm. In front of the theatre were two large trucks, and the boy passed between them to cross the tracks of the Union avenue and Ridgewood line of cars. Car 2,912, in charge of Motorman John Burkhardt and Conductor Theodore Hall, came rapidly along on the up-bound track. When the boy passed out between the trucks the car was distant from him less than fifteen feet. The motorman shouted, and after throwing off the current he put on the brakes. It was useless. The gridiron fender struck the boy and carried him along for a few yards. The boy's feet trailed along the pavement and he slipped from the fender and went under the car. Before the car was brought to a stop broken his bones. The body was taken to the

broken his bones. The body was taken to the Clymer street police station and the motorman and conductor, after being permitted to take the car to Ridgewood, were arrested and locked up at the Clymer street station.

Burkhardt declared that the fatality was unavoitable. He said that his car had stopped on the opposite corner of the Gayety Theatre, and he was just starting ahead at a moderate rate of speed when the boy passed out from between the two trucks. Burkhardt added that he called to the boy with all his might, and did all in his power to save him. Several persons who witnessed the accident corroborated the motorman. A charge of criminal carelesness was made against Burkhardt and the conductor.

Last evening the boy's mother began to worry over his absence. A policeman informed her of the accident. When her husband returned from work he identified the body, which in the mean time had been taken to an undertaking estab. the accident. When her hasband returned from work he identified the body, which in the mean time had been taken to an undertaking establishment at 182 Montrose avenue.

The boy was the oldest of three children. His father is a tallor employed in a sweat shop in this city, and the family is very poor. When the boy's body was taken to his home last night Mr. Moskovitch told the police that he would have to appeal to neighbors for money to bury the boy.

to appeal to neighbors for money to bury the boy.

While five-year-old John Sofinski, whose parents live at 626 Manhattan avenue, Greensioint, and his seven-year-old sister were trying to escape a troller car of the cross-town line at Manhattan avenue and Box street hat evening the boy was knocked down by a wagon of the Whiting Manufacturing Company of this city, in charge of Michael Tobia. The wheels passed over his right leg and crushed it. His parents took the boy home.

#### A MILK TRAIN CREW JAILED. Accused of Watering Some of New York's

Supply in Transit. As the result of an investigation made by de-tectives in the employ of the Delaware, Lackawanna and Western Railroad Company, the crew of a milk train on that road was arrested yesterday afternoon on warrants issued by Po-lice Justice Potts in Jersey City. Three of the rew live in Hoboken. They are Charles Ferdon of 619 Willow avenue, Charles Schultz, 118 Jefferson street, and Charies Schrapper, 312 Newark street. The others are John Hefferan of Stanhope, N. J., and William Heimnelman of Boonton, N. J. The prisoners are accused of taking milk out of the cans and substituting water for it. Recently a number of dealers in this city who have their milk brought in on the D., L. and W. road have been arrested on complaint of the State Dairy Commissioners for

plaint of the State Dairy Commissioners for selling milk that was not up to the required standard. The tests showed that the milk had been diluted with water and contained little or no cream. The dealers were fined \$50 each, not withstanding their protest that they served the milk to their costomers in the same condition as they received it at the milk train shed in Hoboken.

The dealers complained to the railroad officials, and a detective was put on the train as a member of the crew. The arrests followed. Another complaint against them has been made by the Pretuce Despatch Company, which has a contract to transport the New York Condensed Milk Company's milk to this city. The milk comes in bottles, and the detective reports that the men emptied the bottles into small pails and then filled the bottles up with cream and appropriated them. The prisoners are locked up in Police Headquarters to await examination. up in Police Headquarters to await examination.

## Mersey Belle Aground on Flushing Mond-

FLUSHING, L. I., Nov. 13 .- While being toward n Flushing Creek this morning the brig Mersey Belle, Capt. Hemeon, got out of the channel and grounded on the meadows. When the tide receded she was left high and dry. The vesse cener she was left high and dry. The vessel halls from Black River. Jamaica, with a cargo of logwood for the Harway Pre Works here. Two tags made unsuccessful efforts to hand her off. The work of transferring her cargo to the schooler Angrew Lawrence was begun this afternoon and it is thought the brig may be floated at high water to-morrow.

# HAS COL. COLT GIVEN IN?

REPORT THAT HE HAS SURREN-DERED IN THE DIVORCE SUIT.

Mrs. Colt's Attorneys Said to Have Received a Request that All Proceedings He Stopped and Terms of Nettlement Be Given-The Case Probably Not to be Tried

PROVIDENCE, Nov. 13.-It is probable that the Colt divorce case involving James J. Van Alen will never come to trial. Further investigation and the search for witnesses conducted y counsel for Mrs. Colt have been stopped. Col. Colt's New York attorneys are said to have thrown up their hands and asked for terms. Comstock & Gardner, legal advisers for Mrs. Colt, are said to have received a request

the case be settled at once out of court. Notwithstanding the disappearances of important witnesses, counsel for Mrs. Colt say there was never any doubt that they would win Agents have been at work in five States getting evidence. Mr. Comstock was never in doubt about the result, not even when bearing far out on the muddy road toward Jackson on last Saturday afternoon that Hotelkeeper Gray had ignored the court's summons by leaving

that further proceedings be stopped and that

It was evident on last Friday that the New York lawyers employed by Col. Colt to prosecute his suit against Mr. Van Aleu were dublous as to the outlook. Overtures were being pade then to arbitrate, but Mrs. Colt would have nothing but unconditional surrender Hearing of the arbitration move, she telegraphed her counsel from Bristol to see that Gray of Jackson did not give them the slip.

Gray was a good witness. Those who profess to know say that Mr. Comstock had caught him napping one day before the appropriement of the present trouble, and that Mr. Gray told him an interesting story

What was told then Mr. Gray evidently didn't care to tell under oath, but he undoubtedly would have been compelled to had he been found.

W. I. Keeler of Westfield, N. J., the witness who went from New York to North Conway to testify, had also heard something interesting from Mr. Gray.

As late as 9 o'clock last night Mrs. Colt's counsel were consulting in this city considering new moves and points of law. A Boston agent had been instructed to look up another phase of the case and report at once on his findings. He was to verify a story of certain alleged

doings in a Boston hotel on the night of Aug. 29 last. The investigator was told to stop work pending a meeting with the New York attorneys. Another thread in the case is said to have been connected with a mysterious rough-andtumble fight which occurred one night between a minister without a pulpit and an unknown man on Boylston street, in Boston. This fight occurred early in September of last year.

the settlement will be. It was known, of course, that a victory for Mrs. Colt would materially weaken Col, Colt's case against Mr. Van Alen, and it looks now as if that case would drop out Mrs. Colt does not seek absolute divorce, but eparate maintenance for herself and children.

No one here can tell now what the terms of

Mr. Comstock says the case may be settled out of court, but Mrs. Colt will concede nothing Col. Colt's lawyers have got to come to Mrs. Colt's counsel and listen to dictation. Their telegram seemed to mean that it was imperative that proceedings be dropped at once.

#### TROLLEY TANK CAR RUNS AWAY. Tips Over on a Curve at the Foot of a Hill

and Hurts Two Men. A trolley sprinkling car with its big iron tank weighing several tons and filled with water got beyond the motorman's control in Montgomery street, Jersey City, vesterday and ran The car was descending an incline on the west end of Montgomery street, and when Motorma John Dunbear applied the brake to check its speed the brake refused to work. The car spe down the hill with great velocity until it reached the curve turning into Westside avenue opposite the Catholic Cemetery. There it jumped the track and turned over on its side. The motorman and Conductor Thomas Lee, who had stuck to their posts, were flung about

who had stuck to their posts, were fluing about twenty feet. Dunbear was huried against the cemetery fence and was severely injured about the head and body. He was taken to St. Francis Hospital. Lee escaped with a sprained ankle, he was assisted to his home by friends. Travel on the road was blocked for about an hour and

#### THE WAVE-SWEPT IRRAWADDY. Her Crew Brought Ashore, and She Is at

the Mercy of the Storm. AFBURY PARK, Nov. 13.- Unless the present northeaster subsides within the next twenty-four hours, the indications are the irrawaddy's skeleton will form an exhibit for visitors to Asbury Park next summer. She now lies broadside or the beach, with waves sweeping over her decks. The crew came to shore in surf boats shortly after noon, Capt. Beyers being the last to leave the vessel. Several of the crew took passage by evening trains to the city. Others will remain in the employ of the coast wrecking company until the fate of the vessel is determined. Three does, a monkey, cat, and parcot were taken off the vessel this afternoon when the sailors abandoned her. The parrot was given to Mayor Ten Broeck, and the rest of the menagerie was distributed by the sailors among the friends they have made here.

#### BREWER GROH BADLY INJURED. He Falls from a Third-story Window of

His House-He May Die. Michael Grob, a wealthy brewer, fell or threw imself from the third-story rear window of his house at 40 West Ninety-first street yesterday house at 40 West Ninety-first street yesterday afternoon, fracturing his thigh and breaking his ankie.

Dr. Meyer of 801 Madison avenue has been treating Mr. Groh some weeks past for an affection of the heart. Mr. Groh is 66 years old and weighs 225 pounds. He has but a slight chance of recovery.

The police say that Mr. Groh, in the absence of his two nurses, went to look out of the window, and, because of his weak condition, fell into the yard.

#### Speaker Crisp Comes Out in Favor of Pres Coinage.

ATLANTA, Nov. 13 .- Ex-Speaker Charles F Crisp spoke before a joint session of the Senate and House of the Georgia Legislature to-night. and House of the Georgia Legislature to-night. He had been invited to address the Legislature on the political issues of the day, but confined himself almost exclusively to the silver question, coming out emphatically for the free colongs of both gold and silver at the present ratio and arguing that the United States, with her seventy millions of people, was sufficiently powerful to establish bimenalism the world over. His speech was received with the greatest enthe establish bimelallism the world over. His speech was received with the greatest enthu-slasin.

PHILADELPHIA, Nov. 13. Formal application for a new trial for H. H. Holmes, recently convicted of the murder of B. F. Pietzel, was to-day filed in the Quarter Sessions Court. Fifteen reasons why a new trial should be granted are:

given.
It is urged that the District Attorney, in his closing address, me dioned the death of the Pietzel children and the inding of their dead bodies, and it is charged that the Court erred in not allowing affidavits and an exception to statements in the District Attorney's opening

#### Centre Street Police Court Opens Magistrate H. C. Kudlich opened the Centre

street Police Court (formerly the Tombs) at exactly thirteen minutes to b o'clock yesterday morning on the second floor of the new Criminal Courts building. As the first prisoner, a "drunk," was arraigned. Policeman flatton, who guards the bench, called attention to the fact that the day was the lith of the month, and that there were only thirteen persons in the court room outside the railing.

# DEFIED THE EMPEROR.

Dr. Lueger Re-elected and Prans Josef Dis

VIENNA, Nov. 13,-The Municipal Council met this morning and reflected to the office of Burgomaster Dr. Lucker, the Anti-Semite leader in the Reichsrath, whose recent election to the office the Emperor refused to sanction Dr. Lueger received a majority of 92, the entire Anti-Semite vote being cast for him.

When the result of the vote was announced Dr. Lueger made a speech accepting his elec tion. His language was reasonably moderate a first, but as he proceeded ne became exceedingly violent, "I am the servant of God," he exclaimed, "and not of the golden calf. The liberty and honor of Austria are at stake,"

The Government Agent, Herr Freibeis, replied that the reflection of Dr. Lueger was in defiance of the imperial will. He then declared the Council dissolved and a tremendous uproar ensued.

The police had previously cleared the square in front of the Town Hall, but the immense crowd remained in the neighborhood and cheered frantically the supporters of Dr. Lueger

as they were on their way to the Town Hall. After the dissolution of the Council the crowd divided into large bands and paraded the streets. One band of 500, headed by a member of the Municipal Council, entered the courtyard of the imperial palace, crying "Vive Lueger!" They were prevented by the troops from advancing very far, and ultimately the troops succeeded in clearing the court.

#### LEFT HIS CRUTCHES BEHIND.

#### Mr. Handy Had Fatth, and Schlatter's Magte Touch Did the Rest.

DENVIR, Nov. 13. The fact that Schlatter has announced his work to end on Friday has resulted in turning the attention of the whole public to him. The trains to-day brought in a thousand more people from Kansas and Ne-braska and more distant points.

J. B. Handy of Eilsworth, Kan, created a sen sation by appearing on crutches before Schlatter and then walking away without them. He was photographed and exhibited for a time as a sample of the work done by the healer. Judd Webb of Omaha was treated and his paralysis was instantly cured.

The hotel clerks report that they have seen guests come apparently afflicted and later have seen them go away happy and well. One man who limped into the Oxford yesterday crutches to-day walked across the corridor with-

out support.

To-morrow Schlatter is to appear as witness in a case brought before the United States Commissioner, wherein two swindlers are charged with using the mails to defraud by advertising handkerchiefs for sale that have been "blessed" by the healer.

#### A SAFETY PIN IN HER THROAT. Marguerite Freeman Supposed for Weeks to Have Membranous Croup.

Little Marguerite Freeman, the five-year-old daughter of Harry T. Freeman of 30 Taylor street, Newark, suffered for five weeks with what was supposed to be membranous croup, and even now it is said she really had that disease. She got occasional relief from the doctor's treatment, but there was no permanent improvement. The last attack was so severe that yesterday Dr. Joseph Fewsmith recom-

mended a resort to tracheotomy When the incision was made in the throat the doctors found between the traches and the vocal cords a large safety pin, which was held in place by its spring. It was quickly removed and the aperture was closed. Last night the child was reported to be doing well, and it is believed that she will recover rapidly.

# RUSSIA'S EMPRESS.

Her Accouchement Is Expected About the End of the Month. BERLIN, Nov. 18 .- The court at Coburg has received a telegram from St. Petersburg saying

that the accouchement of the Czarina is ex

pected about the end of November. BURIED UNDER TONS OF SAND. Farmer Lepherz Was Digging a Well When Killed.

MANOR, L. I., Nov. 13.-Frederick Lepherz, while digging a well on a farm which he had just purchased, was buried under tons of sand and killed this afternoon. The hole was seveneen feet deep when Lepherz resumed digging this morning. About 4 o'clock Mrs. Lepherz heard her husband, who was in the bottom of the well, cry for help. She ran to his assistance, but was in time only to see the sides of the well cave in, and she jumped back just in time to save herself. this morning. About 4 o'clock Mrs. Lepherz

save herself.

The frantic woman picked up a shovel and commenced to dig, but realizing the hopelessness of the undertaking she ran two miles along the track to the village and soon induced a party of men to go back with her. It was then dark and Lepherz was buried under tons of sand, so nothing can be done until to-morrow morning.

### TRIPPED HIS HORSE WITH A ROPE. Three Men Then Beat and Rob Thoma

Finnean of Woodsburgh. ROCKVILLE CENTRE, L. L. Nov. 13,-Thomas Finuean of Woodsburgh reached this village late to-night and reported that he had been waylaid and badly beaten between Lynbrook and Rockville Centre. As he was driving to this place his horse was thrown by a rope which three men had stretched across the road, and the animal's leg was broken by the fall. The three men then beat him and stripped him of all his

They disappeared after warning him on penalty of death not to attempt to follow them. Finucan's face was badly bruised and bleeding and his pockets had been rifled of their contents. It was so dark he was unable to see the faces of

## BLOWN UP BY MOLIEN IRON. Two Men Injured in an Explosion in a

A loud explosion drew a large crowd to the ron rolling mill of Michael J. Dempsey, at 501-3 West Fortieth street, last night. When t reached the place two men were prostrate on the ground with their clothing torn and the fiesh on their arms and faces burned and

Rolling Mill.

ness on their arms and faces burned and braised.

The men were laborers who had been working overtime. After taking out a pan of molten iron they began to dump it into a cold receptacle. An explosion followed which wrecked the small outhouse in which they were working and knocked both of them senseless. The injured men are Anthony Miller and Frank Ackerman of 488 Eleventh avenue. They were both removed to Roosevelt Respital, where it was add they would recover.

#### The Trapeze Broke; Two Girls Injured; One May Die. FAR ROCKAWAY, L. L. Nov. 13.-Katle Cook

and Pertha Smith, the former 15 and the latter 13 years of age, sustained severe injuries in the public sensed symmation today. There were exercising on the trapeze, when the rice broke and both girls fed to the floor. Katie Cook strack on her head and back. She has been imposed one since the fall and is not expected to live. Mess bound in the fall broke one arm and sustained internal injuries.

## Turning Out the Paraellites.

Dennix, Nov. 13. At a meeting of the Irich National Federation to-day a motion was carried, by a vote of 47 to 40, to remove from the executive Mesers. Timothy Healy, Arthur O'Connor, and Fox, members of Parliament, and Mesers. Murphy and Mosney.

## PRICE TWO CENTS.

SOCIETY STILL PAYING ROMAGE TO THE HORSE.

All Previous Records to Point of Attende ance at the Show Surpassed Last Evening When Marthorough and His Bride Were Present A Penst Day for the Trotting and Hackney Devotees-Matchless of Londesborough and His Handsome Family-Two Bine Ribbons for Ex-Congressman Reed of Eric and Another Trophy for Col. Kip Mr. Bates Takes a Second Four-in-hand Prize, and Bush Scores for Philadelphia in the Open Class for Single High Steppers-John A. Logan's Splendld Carriage

Tenm-Merry Bird Wins the Jump. The Duke of Marlborough and his bride were the distinguished guests at the Horse Show last night. They arrived just before 9 o'clock, and were accompanied by Mrs. William K. Vanderbilt, Col. William Jay, Mrs. Jay, and Miss Jay, Mr. Dick Peters, and Sidney Smith. Just before they arrived Mr. and Mrs. J. Borden Harriman and Mr. William K. Vanderbilt came in and took sents in Mr. Vander-bilt's box. No. 100, at the Madison square end of the Garden. There were two other ladies in the

party. The fact that the Duve and his bride were to attend the show was printed in the afternoor papers, and that guaranteed the largest crowd that had attended since the opening. From 8 o'clock on the questions asked by these people were: "Where is he? Where is the Duke? Where is she? Where will they sit?" They asked everybody; they asked the police and they asked each other, and they went around

gaping. The policemen who were asked where the Duke and Duchess would sit pointed out Mr. Vanderbilt's box as the most likely place. This information went all around, and that box was never out of sight a moment. When Mr. Vanderbilt and Mr. and Mrs. Harriman and the two ladies arrived the news went around like a flash, "There he is, see him?" men and women exclaimed, "Where? Where? Where ?" demanded all the other men and we men. There we some woman who had planted herself directly in front of the box some time before and who had held the position in spite of the pushing and hauling of the crowd, who

"Why," she said, "I could tell him in a thousand. That's him." She pointed to Mr. Harriman.

Five minutes after the arrival of Mr. Vanderbilt and his party there was such a jam on the floor in front of the box that it was impossible to move one way or the other. The crowd extended from the entrance to the middie of the garden, and was packed tight between the lower tier of boxes and ring inside of which the horses were being exhibited. There were as many men as there were women in the crowd, and about every other person seemed to have an opera glass. Every opers glass was levelled at Mr. Harriman and one of the ladies of the party, who had been declared

to be the Duchess by the woman who knew. When a large part of the crowd found that it couldn't get even a glance at the occupants of the box there was a rush for the galleries on the opposite side of the Garden. In a few minutes there wasn't a seat left in them, and every pair of opera glasses on that side of the house were leveled at the Vanderbilt box.

It was while the crowd was gazing hardess that the Duke and his party arrived. Their seats were in section F, in the second row back of the boxes on the Twenty-sixth street side, about the centre of the building. Fortunately for the party it was seated almost before it was The Duke occupied the end seat next to the

aisle. Mrs. Vanderbilt sat next to him, then the Duchess. Next to her sat Sidney Smith, then the Colonel and Mrs. William Jay, and last Mr. Peters and Miss Jay. The Duchess wore a white atin gown and a white lace hat, trimmed with black feathers. Mrs. Vanderbilt was dressed It was fully a quarter of an hour after the arrival of the party before the greater nu

in the crowd on the floor could be convinced that the Vanderbilt box didn't really hold the Duke and Duchess. When it was convinced there was a general movement on the promenade toward the centre of the Garden. But the places there had been preëmpted, and the only result was a worse crush. It was evident that the Duke didn't relish the

scrutiny that he was being subjected to, and he sat down in the seat as far as he could get. There were tailer people sitting all around, and that made it a difficult job for the crowd on the floor to see him. Perhaps that was one reason the people wouldn't move on and couldn't be pushed on by the other people as anxious as themselves to see him.

Fifteen minutes after the party was identified to the satisfaction of everybody some in the crowd nearest the boxes began climbing up the stairway and past the row of seats where the Duke sat. This stairway was reserved for holders of sent tickets, and was in charge of two ushers, who protested, but in vain. Finally a big policemen worked his way around through the back of the first gallery and got down to the aisle. He took a place just back of the Duke and he kept everybody moving. He served the double purpose of preventing personal intrusion and of showing to everybody in the Garden exactly where the Dake was sitting. The crush on the promenade

ontinued. Possibly once in fifteen minutes the crowd changed. That is, the people who were on the outskirts succeeded in pushing their way up to places in front of the row. Such things as clothing and finery were not thought of. Buttons were ripped off in the push, and big sleeves were crushed shapeless. The battery of opera glasses was never lowered for a moment.

The Duke was the only one in the party who appeared to be particularly annoyed by the crowd. Mrs. Vanderbilt looked on complacently. The Duchess devoted most of her time to watching the horses in the ring, except when some friend came down the aisle and shook hands with her, a thing that occurred very often, by the way.

In the latter part of the evening three or four friends of the Duke, who were permitted to stop and chat by the policeman, protected him somewhat. He was very much bored and yawned frequently until the green hunters came into be judged. They interested him and he forgot the crowd in watching them.

The party stayed until the show was almost over. Public curiosity had been somewhat satisfied by that time, and it was possible for the police to make a way that enabled departure in single file. They went out by the main entrance.

Their carriage was waiting, and they were in and were whisked away before the crowd that followed them out had time to say Jack Robin-son. Then public interest returned to the horses in the ring, and what little was left of the evening a stow was generously applauded. The popularity of the New York Horse Show Association's exhibition is undiminished, and seems to be on the increase as the week goes by, the attendance last evening marking high-water mark for the Garden. It was said that 12,000 Mashington, Nov. 13.—Herman Hillyer, an insane man from Missouri, called at the White House, thouse this afternoon and made ineffectual attempts to see Vice-President Sievenson and the President. He said he was pursued by a crazy swordthal and wanted protection from the Government. Hillyer raised a disturbance on being turned away, and was taken to a police station.

# BEAUTY IN BOX AND RING.